HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL JURISDICTION

WRIT PETITION NO.681 OF 2005

Transport and Dock Workers Union ..Petitioner.

Versus.

Food Corporation of India ..Respondent.

Shri. Anand Grover i/b Shri. Prakash Mahadik for the petitioner.

Shri. R. M. Pradhan for respondent No.1.

Shri. Rajiv Chavan with Ravi Shetty i/b T. C. Koushik for respondents 2 to 5.

CORAM: Smt. Ranjana P. Desai, & Abhay S. Oka, JJ.

DATE : December 21, 2005.

P.C.

1. Heard learned counsel for the parties. The petitioner is a union registred under the Indian Trade Unions Act, 1926. In this petition the petitioner has inter alia prayed that direction be issued to 3rd respondent - Central Advisory Contract Labour Board to submit report on the issue of abolition/non abolition of contract labour in the Ratnagiri Depots of the 1st respondent and the 1st respondent be directed to take decision as expeditiously as possible in a time frame. The petitioner has also prayed that a direction be issued to 2nd respondent to refer the industrial

dispute relating to the absorption/permanency of the workmen mentioned in Exhibit-'A' to the Industrial Tribunal for adjudication.

2. We have perused the affidavit of Shri M.K.Padmanabhan, Joint Manager of the 1st respondent. In the affidavit of Mr. Padmanabhan, it is stated that a committee has been constituted by the Government, Ministry of Labour by issuing Gazette Notification on 8th December, 2003 to study the working of the contract labour system in the depots of the 1st respondent and to make a suitable recommendation - whether or not the employees of contract labour in the said jobs/works in the godowns and depots of the establishment be prohibited keeping in view the provisions of section 10 of the Contract Labour (Regular and Abolition) Act, 1970. It is stated that after recommendations of the said committee are received, the necessary decision would be taken.

3. In the present case, the petitioners by their letter dated 24th September, 2002 raised a demand for absorption of contract labour as permanent departmental workmen of the 1st respondent in Ratnagiri Depot. However, the petitioners have not made any application to the appropriate Government under section

10(1) of the Industrial Disputes Act, 1947. Learned counsel for the petitioners states that the said application will be made by the petitioner within a period of two weeks from today. If such an application is made, the Appropriate Government will pass necessary orders in accordance with law on the said application within a period of eight weeks from the date of filing of the application.

4. The petitioners have filed a representation dated 27th September, 2004. The Appropriate Government shall consider the said representation and pass necessary orders. The Appropriate Government will consider the report of the committee while considering the representation of the petitioner.

5. All contentions on merits are kept open.

6. Petition is disposed of in the aforesaid terms.

(SMT. RANJANA P. DESAI, J.)

(ABHAY S. OKA, J.)